

The House Committee on Judiciary offers the following substitute to HB 317:

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 43-17-8.2 of the Official Code of Georgia Annotated, relating to requirement for orderly, clean, and sanitary receptacles, notice, and penalty for violations, so as to permit city, municipal, and magistrate courts to have in rem jurisdiction over petitions filed regarding the removal of collection receptacles; to provide for related matters; to provide for applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 43-17-8.2 of the Official Code of Georgia Annotated, relating to requirement for orderly, clean, and sanitary receptacles, notice, and penalty for violations, is amended by revising subsection (b) as follows:

"(b)(1) If the property owner, paid solicitor, or charitable organization responsible for the operation of a collection receptacle fails to comply with the notice in accordance with subsection (a) of this Code section three times in any calendar year, or, if the governing authority finds that the area surrounding such collection receptacle is a nuisance, the local governing authority shall be authorized to petition the city, municipal, magistrate, or superior court of the county or municipality in which such collection receptacle is located to issue an order in rem requiring the removal of such collection receptacle from the geographical boundaries of the jurisdiction for a period of not less than three years.

(2) The relief imposed by the city, municipal, magistrate, or superior court shall require the immediate removal of such collection receptacle at the cost of the property owner or paid solicitor responsible for it, or, alternatively, the charitable organization for which such collection receptacle was placed and the imposition of court costs.

(3) If a collection receptacle is not removed within 30 days of the city, municipal, magistrate, or superior court's order, the local governing authority shall be authorized to remove such collection receptacle and seek reimbursement from the property owner, paid

28 **SECTION 2.**

29 This Act shall apply to any petition filed pursuant to subsection (b) of Code Section

30 43-17-8.2 of the Official Code of Georgia Annotated on or after July 1, 2019.

32 All laws and parts of laws in conflict with this Act are repealed.